

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|----------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | 8:04CR53 |
| |) | |
| v. |) | |
| |) | |
| COREY SPIGNER, |) | ORDER |
| |) | |
| Defendant. |) | |
| |) | |

This matter is before the Court on defendant's pro se motion that the Court order a reduced sentence based on the revised "drug equivalency tables" as amended under Item 9 / 18 USCS Appx § 2D1.1 (Filing No. 72), and the motion to withdraw filed by the office of the federal public defender (Filing No. 78). The Court has reviewed defendant's motion. He recites there is pending before the Court of Appeals for the Eighth Circuit a motion based upon his claims of violations of his constitutional rights. This matter has now been decided by the Court of Appeals (Filing No. 73).

Defendant's motion to reduce his sentence will be denied. The Court notes that defendant was sentenced to a mandatory minimum sentence of ten (10) years. The revised equivalency tables do not permit the Court to reduce a sentence below that mandatory minimum. Therefore, defendant is not eligible for a sentence reduction under the revised crack cocaine guidelines.

For this reason, his motion will be denied, and the motion of the office of the federal public defender will be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion that the Court order a reduced sentence is denied.
- 2) The motion of the office of the federal public defender to withdraw as counsel for defendant is granted.

DATED this 22nd day of February, 2008.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court